

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Phillip Mark Rice,

Petitioner,

v.

Payson Police Department, et al.

Respondents.

No. CV-22-00825-PHX-SRB(CDB)

ORDER

Petitioner filed his Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on July 14, 2022 raising two grounds for relief: 1) his Fifth Amendment right to be free of double jeopardy was violated because 396 days of presentence credit should have been credited to his sentence; and 2) his Sixth Amendment right to effective assistance of counsel was violated because trial counsel lied and misled him. Respondents filed their Limited Response to Petitioner's Petition for Writ of Habeas Corpus on January 19, 2023. Petitioner filed his Reply on January 17, 2023. On February 24, 2023 the Magistrate Judge issued her Report and Recommendation recommending that the petition be denied.

In her Report and Recommendation, the Magistrate Judge advised the parties that they had fourteen days from the date of service of a copy of the Report and Recommendation within which to file specific written objections with the Court. The time to file such objections has expired and no objections to the Report and Recommendation have been filed.

The Court finds itself in agreement with the Report and Recommendation of the Magistrate Judge.

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